

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

March 20, 2009

DIVISION ONE

B201720 People (Not for Publication)

V.

Carlos Manuel Martir

The judgment is affirmed.

Rothschild, J.

We concur: Mallano, P.J.

Weisberg, J. (Assigned)

B208666 People (Not for Publication)

V.

Bobby Ray Pollard

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

B201678 People (Not for Publication)

V.

Kenneth Walker

The judgment is affirmed.

Tucker, J. (Assigned)

We concur: Mallano, P.J.

Rothschild, J.

DIVISION ONE (continued)

B209639 People (Not for Publication)

v.

Jorge Luis Guerra-Zamudio

The judgment is affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

B210844 Los Angeles County, D.C.F.S. (Not for Publication)

v.

C.S.

The order is affirmed.

Rothschild, J.

We concur: Mallano, P.J.
 Weisberg, J. (Assigned)

B203065 Pharris (Not for Publication)

v.

City of Lancaster

The order granting plaintiffs' petition to file an action against the City of Lancaster is reversed and on remand the trial court is directed to enter a new order denying plaintiffs' petition. The order of dismissal on the demurrer is vacated. The appeal by the City of Lancaster is dismissed. The parties are to bear their own costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Weisberg, J. (Assigned)

DIVISION ONE (continued)

B207973 Frizzell et al. (Not for Publication)
 v.
 Gunatilake et al.

The judgment is affirmed. Defendants are entitled to their costs on appeal.

Mallano, P.J.

We concur: Rothschild, J.
 Tucker, J. (Assigned)

DIVISION TWO

B205862 Tipler
 v.
 City of Palmdale

Filed order denying petition for rehearing.

DIVISION THREE

B204210 Abbott Laboratories, et al. (Not for Publication)
 v.
 Franchise Tax Board

The judgment is affirmed. Costs on appeal are awarded to defendant Franchise Tax Board.

Kitching, J.

We concur: Klein, P.J.
 Aldrich, J.

March 20, 2009 (Continued)

DIVISION THREE (continued)

B203265 People v. Longoria (Not for Publication)
B212313 In re Longoria on Habeas Corpus

The judgment is affirmed. Having read and considered the petition for writ of habeas corpus, filed November 25, 2008, we conclude it should be considered in the first instance in the trial court because it may be necessary to conduct an evidentiary hearing on the issues raised therein. This court is not designed to conduct evidentiary hearings or to determine the credibility of witnesses. (*In re Hochberg* (1970) 2 Cal.3d 870, 873, disapproved on another ground in *In re Fields* (1990) 51 Cal.3d 1063, 1070, fn.3.) Accordingly, we issue an Order to Show Cause returnable in the superior court for the purpose of conducting an evidentiary hearing on the issues raised in the petition for writ of habeas corpus. (See Pen. Code 1508; *People v. Romero, supra*, 8 Cal.4th at pp. 739-740.) Counsel for the People shall serve and file a return to the petition with the superior court within 30 days of the date of this order. Counsel for petitioner shall file a traverse within 30 days after receiving the return. The superior court shall then establish a date for any necessary evidentiary hearing, after which it shall grant or deny relief based on the law and the facts as so determined. (See *People v. Romero, supra*, 8 Cal.4th at pp. 739-740.)

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

[illegible]

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Suzukawa, J.

DIVISION EIGHT

B208087 People v. Salazar (Not for Publication)

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

[illegible]

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting -+P.J.
Bauer, J. (Assigned)

B207361 Brown
v.
Marinos

Filed order denying petition for rehearing.